

058 - PUBLIC DEFENDER

Operational Summary

Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

At a Glance:

Total FY 2006-2007 Actual Expenditure + Encumbrance:	54,670,059
Total Final FY 2007-2008	60,728,089
Percent of County General Fund:	2.00003%
Total Employees:	415.00

Strategic Goals:

- The goal of the Offices of the Public Defender is to protect the constitutional rights, privileges and freedoms of individuals by providing the highest quality legal advocacy for all clients in the courts of Orange County in a cost-effective manner.
- This goal will be achieved through the efforts of the staff in each of the primary units of the Offices of the Public Defender. These efforts focus on a variety of activities:
- Representing indigent clients in felony and misdemeanor cases in the criminal courts. This representation is provided by each of the three independent units of the Offices of the Public Defender.
- Advocating and protecting the rights of individuals by ensuring that they are treated fairly and equitably in the Mental Health Courts of Orange County.
- Providing high quality representation for clients in each of the Collaborative Courts of Orange County.
- Advocating the parental rights of clients by providing high quality legal representation in dependency cases.

Key Outcome Indicators:

Performance Measure	2006 Business Plan	2007 Business Plan	How are we doing?
	Results	Target	
INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE LEVEL OF SERVICES PROVIDED IN CASES. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Maintained high quality and efficient representation in the courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continued to work toward compliance with each of these.	To continue to maintain high quality and efficient representation in the courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made during the process. Findings show above satisfactory performance levels above 95 percentile range.

FY 2006-07 Key Project Accomplishments:

- Among the significant accomplishments of the Offices of the Public Defender from July 1, 2005 through June 30, 2006, and anticipated accomplishments through June 30, 2007, are the following:

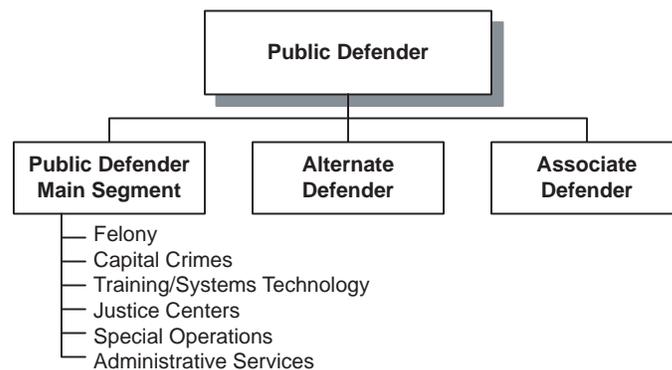


- In October 2006 the Board of Governors of the State Bar of California awarded the Orange County Public Defender's Office the 2006 President's Pro Bono Service Award for a government agency in recognition and appreciation of outstanding contributions of pro bono legal services to low-income Californians.
- The Orange County Public Defender's Office was named the "2005 Community Partner of the Year" by the Public Law Center.
- Staff Attorney Paul DeQuattro of the Dependency section is one of 75 lawyers in the country and 52 in California to be certified by the National Association of Counsel for Children (NACC) as a child welfare specialist. This certification was awarded in October of 2006 after rigorous screening of qualifications and testing.
- Staff Attorney Denise Gragg has been named a Fellow of the American College of Trial Lawyers, a distinguished National Organization of highly select trial attorneys noted for extraordinary trial skills.
- Staff Attorney Alan Crivaro was presented the prestigious 2006 Justice Scoville Award, an award given by the Orange County Bar Association in recognition of a legal career exemplifying "the highest standards of the legal profession" and for volunteer contributions to the association.
- In 2005 Deputy Alternate Defender Frank Ospino was named Defense Attorney of the Year by the California Attorneys for Criminal Justice organization.
- In 2005 Assistant Public Defender Lee Blumen received the "Community Partnership" award from the Regional Center of Orange County for his work in providing legal assistance to residents of Fairview Developmental Center.
- Senior Assistant Public Defender Jean Wilkinson received the first annual "Homeless Court Humanitarian of the Year" award in October 2005.
- Staff Attorney Danni Murphy is the Orange County representative on the Board of Governors of the California State Bar Association.
- The Riese facility hearing pilot project began on November 1, 2005, and the Public Defender represented all clients facing these hearings. The Public Defender successfully partnered with other county agencies to bring medication hearings to the patients in all of the 17 designated Orange County psychiatric facilities at the conclusion of that pilot.
- Additional needed office space was successfully built-out and occupied as of May 2006 in the Central Justice Center facility.
- The Public Defender is participating in the start of the paperless filing initiative for all court partners.
- The Public Defender is participating with the Department of Justice in establishing a universal computer platform and computer language for all criminal justice agencies.
- The Public Defender's Office participated in the 2006 "Meeting of the Minds" Conference collaborating with MHA in presenting a session on Homeless Outreach Court for Community Service Providers (May 2006).
- The Public Defender's Office collaborated with HCA and Law Enforcement to present Best Practices of Mental Health Collaboration at the Annual Statewide Conference "Integrated Services" (April 2006).
- A new series of comprehensive DNA trainings were instituted to prepare attorney staff for the prosecution's initiation of the use of DNA evidence in non-serious felonies and misdemeanors.
- A program of mandatory Saturday all-day training sessions designed to prepare attorney staff for rotation into a preliminary hearing assignment has been implemented (three sessions having been already completed).
- A new CD format that includes a split screen image (depicting index for fast forward, speaker and power-point visuals) was created to record training sessions making the information more accessible to staff.
- Executive Management Staff received and were trained on the use of Blackberry applications to insure remote access in case of emergency and increase efficient communication.

- In March 2006 the department conducted training for attorneys selected to act in the position of misdemeanor or felony coordinator. (The coordinators provide direction and support to attorney staff helping them develop their skills so they can develop and grow in the office.)
- Training was provided from Marston Communications to all supervisors and managers on working with the different generations in the workplace.
- The department successfully transferred to VTI time reporting and payroll process for both exempt and non-exempt staff.
- Investigative, paralegal and attorney staff were successfully trained on travel procedures in order to more efficiently conduct investigation on assigned cases.
- The department's continued participation in the Proposition 36 Court, Drug Courts, DUI Court, and Homeless Outreach Court has assisted in helping an increased number of participants become productive, law-abiding members of society.
- The Dependency Drug Court began operations in six different courts in the Lamoreaux Justice Center in April of 2005 and has enjoyed tremendous success.
- The department sponsored and tutored high school aged teams of incarcerated youth in the Constitutional Rights Foundation Mock Trial competition, while other staff attorneys assisted in coaching high school Mock Trial teams, in November 2005 and again in November 2006.
- Over twenty Public Defender employees volunteered on a Saturday in July 2005 to provide legal services for homeless Veterans at the annual Veterans' Fair.
- The LMC created and implemented a Public Defender Health and Wellness Program, and sponsored such activities as a walking group competition, Healthy Food Week, speakers promoting health and fitness, and yoga classes.
- The Public Defender continues to work collaboratively with the Integrated Law and Justice Committee regarding data sharing within the criminal justice system agencies.
- The Information Technology (IT) section hosted a vendor fair. This vendor fair brought together many vendors who exhibited new products and technology to people from various County agencies and Public Defender staff.
- The Public Defender intranet website is updated weekly with current information such as developments in the law.
- The Public Defender intranet website posts staff accomplishments each month to recognize notable staff achievements.
- Numerous Public Defender staff participated in the County Mentoring Program by volunteering time to work with the children at Pio Pico Elementary School.
- The department continued to use volunteer and course credit intern staff to assist with the staff workload.
- NIMS IS 700 and IS 100 training and testing was completed by all department employees.
- Continuing education needs have been met for investigators by the department.
- The United Way campaign was very successful due in part to the annual golf tournament, the silent auction night and the Public Defender sausage booth at the UW Kickoff event.
- Employees donated clothing for clients involved in Homeless Outreach Court who need clothing appropriate for job interviews.
- A Public Defender Web Portal has been created and is currently being implemented by user groups.
- The Community Court project, instituting "One Stop Services" is projected to open in mid-2007 with the Public Defender's Office participating as a full fledged partner.
- Staff Attorney Alan Crivaro is serving as the President-elect of the Orange County Bar Foundation will serve as President beginning in January 2008.

- A grant from the Juvenile Justice Coordinating Council was approved to fund a paralegal as a truancy case manager who will guide clients to attend school and overcome the problems causing truancy.
- The department continues to participate on the South Court Design Team to create the new South Justice Center at the direction of the Board of Supervisors.
- The department participated in the collaborative planning and design of a video link between the Anaheim Police Department detention facility and the North Justice Center for arraigning misdemeanor and felony defendants which enables the court to operate more efficiently.
- The department is participating in Business Continuity Planning, assessing operational risks in the face of various potential emergency situations.
- The Public Defender's Office is implementing the "New Leaf" program, designed to improve assistance to clients who have been rehabilitated to access relief such as that provided by Penal Code section 1203.4, thus enabling them to enhance their employment opportunities and citizenship participation.
- In November of 2006, a newly opened designated psychiatric facility within the Orange County Jail was added to the list of facilities doing Riese hearings, and the Public Defender represents clients within the jail in these hearings.
- The department participated in the development of a second Orange County DUI Court that began operation in early 2007 in the North Justice Center.
- Numerous Public Defender staff volunteered evening hours providing legal assistance to the homeless at the Santa Ana and Fullerton Armories thru March 2007.
- Public Defender Staff volunteered to assist in the Annual Count of Homeless to assist the Housing and related Departments in identifying needs for the County.
- Additional managers attended the Orange County Leadership Academy.

Organizational Summary



Public Defender Main Segment - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Code Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and

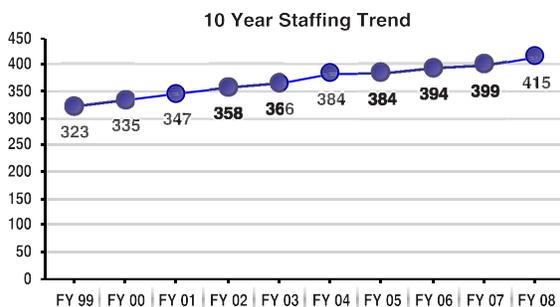
the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Newport Beach Facility of the Harbor Justice Center), and Laguna Niguel (Laguna Niguel Facility of the Harbor Justice Center). Attorneys and support staff work at each of these locations. These include misdemeanor and felony criminal cases, Juvenile Court cases, and Mental Health cases.

Alternate Defender - The Alternate Defender Office is located in Santa Ana. Attorneys and support staff handle the first level of conflict cases (except for conflict cases arising in Juvenile Court, frauds, SVP, and Mental Health). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged.

Associate Defender - The Associate Defender Office is located in Santa Ana and is staffed by attorneys with a small support staff. This unit handles complex cases (including capital cases). These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost.

Public Defender Executive Mgmt - Department Head and immediate support staff.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

■ Staffing trends for the Public Defender often reflect demographic, economic, and sociopolitical changes. As a result of the bankruptcy in January of 1995 the Board of Supervisors directed that the Office of the Public Defender be divided into three independent units. The newly created units undertook representation of conflict

clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect of segmentation in the first year was a savings of \$6M and savings have since been approximately \$6-7 million annually.

- Other changes in staffing have occurred in response to court consolidation, the three strikes law, the expansion of the drug courts throughout the County, implementation of Proposition 36, appropriate representation of clients in the arraignment courts, video arraignments courts, and the development of several specialized courts to deal with the root causes of crimes.
- The fiscal year 2007-08 presents a variety of opportunities and challenges for the department because the department faces serious budget constraints and operates in a justice system that regularly experiences restructure and reform. The department is however, committed and prepared to adjust to the dynamics that lie ahead.
- Future staffing needs could arise as a result of rising caseloads, changes in legislation, new and/or expanding program developments, trends in overall population increases in the County, economic hardship and/or unemployment, and other factors that affect caseloads.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Offices of the Public Defender work hard to support the County-wide mission, vision, and goals focusing on excellence and integrity while being cost effective in serving the community in Orange County.

The County continues to focus on issues of strategic planning, staff development and leadership training. The Public Defender embraces these same priorities within the agency. Public Defender staff participates in committees involved in county-wide impact topics and issues as a collaborative government partner. The Public Defender has been working to enhance staff development and training opportunities.



Other collaborative partnerships exist within the justice system and the Public Defender actively works with our justice partners to maintain efficiencies and improve services throughout the justice system.

The Public Defender continues to be cost effective and maintains tight controls over resources. The Office takes a proactive approach to seeking funding opportunities where appropriate.

Changes Included in the Base Budget:

The Public Defender would not be able to maintain our current level of service without an augmentation to the recommended Net County Cost Target and would not be able to represent all the clients to whom we are appointed. An augmentation request has been submitted to maintain the department's current level of service needs.

Approved Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	BRASS Ser.
Add 2 Positions for Video Arraignment Amount:\$ 202,582	Positions are needed to represent clients in the Video Arraignment Court at the Anaheim City Jail.	The Proficiency Index is a measurement tool analyzing overall performance using standard criteria.	985
Add 6 Positions for Superior Court Amount:\$ 870,474	Additional positions are needed to maintain service levels for current caseloads.	The Proficiency Index is a measurement tool analyzing overall performance using standard criteria.	986
Add 2 Positions for Juvenile Court Amount:\$ 199,342	California Rule of Court 1479 creates on-going obligations on the PD after case disposition.	The Public Defender will track placement reviews and utilize the Proficiency Index for evaluation.	988
Increase Net County Cost to Maintain Level of Service Amount:\$ 1,066,562	Increase Net County Cost by \$1,066,562 to maintain the current level service.	The Proficiency Index is a measurement tool analyzing overall performance using standard criteria.	2651

Final Budget History:

Sources and Uses	FY 2005-2006	FY 2006-2007	FY 2006-2007	FY 2007-2008	Change from FY 2006-2007	
	Actual Exp/Rev	Budget As of 6/30/07	Actual Exp/Rev ⁽¹⁾ As of 6/30/07	Final Budget	Actual Amount	Percent
Total Positions	394	405	405	415	10	2.47
Total Revenues	3,546,530	3,568,425	4,437,572	3,230,000	(1,207,572)	-27.21
Total Requirements	48,049,765	56,860,439	54,406,761	60,728,089	6,321,328	11.62
Net County Cost	44,503,236	53,292,014	49,969,189	57,498,089	7,528,900	15.07

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2006-07 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: Public Defender in the Appendix on page A67

Highlights of Key Trends:

- The Offices of the Public Defender provide high quality legal representation in a cost effective manner. People who come before the court in criminal, juvenile, dependency, and mental health matters are entitled by law to have counsel appointed to represent them when they lack the resources to hire an attorney. This right arises from the United States Constitution, the California Constitution, Penal Code Section 987, and other statutes. If the Public Defender is unavailable the courts are required to appoint private counsel at county expense.
- The Public Defender is under directive of the Board of Supervisors to continue to accept cases appointed by the courts and not to declare unavailability (or unavailability based on excessive caseloads) without first notifying the CEO and Board of Supervisors.
- Caseload trends reflect continued growth over the past several years. The trend continues in 2006-07. Also, further expansion of the specialty courts is expected in the coming year.
- The Public Defender remains committed to the mission and goal set out in the department's Business Plan. The services provided continue to be based upon ethical,

practical, and efficient values that are consistent with the County policies and procedures under the direction of strategic initiatives and sound business practice guidelines.

Budget Units Under Agency Control:

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgmt	Total
058	Public Defender	54,800,540	4,859,742	718,820	348,987	60,728,089
15N	Delta Special Revenue	124,282	0	0	0	124,282
	Total	54,924,822	4,859,742	718,820	348,987	60,852,371

058 - Public Defender

Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2005-2006		FY 2006-2007		FY 2006-2007		FY 2007-2008		Change from FY 2006-2007	
	Actual Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	Budget	Actual Exp/Rev ⁽¹⁾	Budget	Final Budget	Actual	Amount	Percent
Intergovernmental Revenues	\$ 2,522,922	\$ 2,520,248	\$ 3,486,635	\$ 2,520,248	\$ 2,520,248	\$ 2,520,248	\$ 2,520,248	\$ (966,387)	-27.72%	
Charges For Services	474,676	567,617	479,102	567,617	480,947	480,947	480,947	1,845	0.39	
Miscellaneous Revenues	12,638	21,105	11,787	21,105	0	0	0	(11,787)	-100.00	
Other Financing Sources	536,294	459,455	460,049	459,455	228,805	228,805	228,805	(231,244)	-50.27	
Total Revenues	3,546,530	3,568,425	4,437,572	3,568,425	3,230,000	3,230,000	3,230,000	(1,207,572)	-27.21	
Salaries & Benefits	42,305,278	48,903,092	47,547,687	48,903,092	52,661,245	52,661,245	52,661,245	5,113,558	10.75	
Services & Supplies	5,810,928	7,856,041	6,769,467	7,856,041	7,957,179	7,957,179	7,957,179	1,187,712	17.55	
Other Charges	0	70,000	0	70,000	70,000	70,000	70,000	70,000	0.00	
Fixed Assets	8,648	97,000	194,607	97,000	150,000	150,000	150,000	(44,607)	-22.92	
Intrafund Transfers	(75,089)	(65,694)	(105,000)	(65,694)	(110,335)	(110,335)	(110,335)	(5,335)	5.08	
Total Requirements	48,049,765	56,860,439	54,406,761	56,860,439	60,728,089	60,728,089	60,728,089	6,321,328	11.62	
Net County Cost	\$ 44,503,236	\$ 53,292,014	\$ 49,969,189	\$ 53,292,014	\$ 57,498,089	\$ 57,498,089	\$ 57,498,089	\$ 7,528,900	15.07%	

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2006-07 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Final Budget Summary of Public Defender Main Segment:

Revenues/Appropriations	FY 2005-2006		FY 2006-2007		FY 2006-2007		FY 2007-2008		Change from FY 2006-2007	
	Actual Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	Budget	Actual Exp/Rev ⁽¹⁾	Budget	Final Budget	Actual	Amount	Percent
Intergovernmental Revenues	\$ 2,522,922	\$ 2,520,248	\$ 3,486,635	\$ 2,520,248	\$ 2,520,248	\$ 2,520,248	\$ 2,520,248	\$ (966,387)	-27.72%	
Charges For Services	474,676	567,617	479,102	567,617	480,947	480,947	480,947	1,845	0.39	
Miscellaneous Revenues	12,638	21,105	11,787	21,105	0	0	0	(11,787)	-100.00	
Other Financing Sources	536,294	459,455	460,049	459,455	228,805	228,805	228,805	(231,244)	-50.27	
Total Revenues	3,546,530	3,568,425	4,437,572	3,568,425	3,230,000	3,230,000	3,230,000	(1,207,572)	-27.21	
Salaries & Benefits	36,981,235	43,399,983	41,451,889	43,399,983	46,812,980	46,812,980	46,812,980	5,361,091	12.93	
Services & Supplies	5,633,844	7,777,225	6,618,561	7,777,225	7,877,895	7,877,895	7,877,895	1,259,334	19.03	
Other Charges	0	70,000	0	70,000	70,000	70,000	70,000	70,000	0.00	
Fixed Assets	8,648	97,000	194,607	97,000	150,000	150,000	150,000	(44,607)	-22.92	
Intrafund Transfers	(75,089)	(65,694)	(105,000)	(65,694)	(110,335)	(110,335)	(110,335)	(5,335)	5.08	
Total Requirements	42,548,638	51,278,514	48,160,057	51,278,514	54,800,540	54,800,540	54,800,540	6,640,483	13.79	
Net County Cost	\$ 39,002,108	\$ 47,710,089	\$ 43,722,485	\$ 47,710,089	\$ 51,570,540	\$ 51,570,540	\$ 51,570,540	\$ 7,848,055	17.95%	

Final Budget Summary of Alternate Defender:

Revenues/Appropriations	FY 2005-2006		FY 2006-2007		FY 2006-2007		FY 2007-2008		Change from FY 2006-2007	
	Actual Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Final Budget	Actual	Amount	Percent
Salaries & Benefits	\$ 4,423,222	\$ 4,538,869	\$ 5,190,446	\$ 4,804,350	\$ (386,096)	-7.44%				
Services & Supplies	113,700	55,908	104,455	55,392	(49,063)	-46.97				
Total Requirements	4,536,922	4,594,777	5,294,901	4,859,742	(435,159)	-8.22				
Net County Cost	\$ 4,536,922	\$ 4,594,777	\$ 5,294,901	\$ 4,859,742	\$ (435,159)	-8.22%				

Final Budget Summary of Associate Defender:

Revenues/Appropriations	FY 2005-2006		FY 2006-2007		FY 2006-2007		FY 2007-2008		Change from FY 2006-2007	
	Actual Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Final Budget	Actual	Amount	Percent
Salaries & Benefits	\$ 600,590	\$ 649,039	\$ 554,759	\$ 706,124	\$ 151,365	27.28%				
Services & Supplies	50,662	12,204	30,619	12,696	(17,923)	-58.54				
Total Requirements	651,252	661,243	585,377	718,820	133,443	22.80				
Net County Cost	\$ 651,252	\$ 661,243	\$ 585,377	\$ 718,820	\$ 133,443	22.80%				

Final Budget Summary of Public Defender Executive Mgt:

Revenues/Appropriations	FY 2005-2006		FY 2006-2007		FY 2006-2007		FY 2007-2008		Change from FY 2006-2007	
	Actual Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Actual Exp/Rev ⁽¹⁾	As of 6/30/07	Final Budget	Actual	Amount	Percent
Salaries & Benefits	\$ 300,232	\$ 315,201	\$ 350,593	\$ 337,791	\$ (12,802)	-3.65%				
Services & Supplies	12,722	10,704	15,833	11,196	(4,637)	-29.29				
Total Requirements	312,953	325,905	366,426	348,987	(17,439)	-4.76				
Net County Cost	\$ 312,953	\$ 325,905	\$ 366,426	\$ 348,987	\$ (17,439)	-4.76%				